

REMARKS

Claims 1-32 were previously pending in this application. By this amendment, Applicant is canceling claims 1-12 and 16-30 without prejudice or disclaimer. Claims 13, 31 and 32 have been amended. No new claims have been added. As a result claims 13-15, 31 and 32 are pending for examination with claims 13 and 31 being independent claims. No new matter has been added.

Claim Informalities

The Examiner objected to claim 13 for the use of the language "gastric cancer in a sample", Applicant's amendment of claim 13 obviates this rejection and reconsideration is respectfully requested.

Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 13-15, 31 and 32 were rejected by the Examiner under 35 U.S.C. 112, second paragraph, as being indefinite for the use of the term "related condition". The amendment of claims 13, 31 and 32 obviates this rejection and reconsideration is respectfully requested.

Rejections Under 35 U.S.C. §112, First Paragraph

Claims 13-15, and 31 were rejected by the Examiner under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically the Examiner rejected these claims due to a lack of written description of the genus of conditions to be determined using the methods outlined in the specification. The Applicant has amended claims 13 and 31 to remove the language 'related conditions'.

Applicant believes that this amendment obviates the rejection and therefore, reconsideration is respectfully requested.

Claims 13-15, 31 and 32 were rejected under 112 U.S.C., first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

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invention. The Examiner stated that the specification fails to teach that the detection of antibodies that specifically bind sterol carrier protein-2 can be used to determine gastric cancer or to monitor the progress of a gastric cancer patient.

Applicant has amended claims 13 and 31. The specification describes a method for detecting antibodies in gastric cancer patients. The specification teaches that one skilled in the art could detect antibodies in gastric cancer patients using the SEREX method. Nucleic acid sequences are provided and basic guidance on using the peptides encoded by them to detect antibodies in gastric cancer patients are outlined within the specification. Therefore, one of ordinary skill in the art could practice the claimed invention without undue experimentation.

The Examiner acknowledges that the specification teaches Sterol Carrier Protein X is found in gastric cancer patients using the SEREX method. The Examiner raises the point that further experiments are required for diagnosis of antibodies as a diagnostic tool for gastric cancer. The data submitted herewith in the Declaration of Yuichi Obata (table 1) shows that following the methods outlined in the specification provides a diagnostic tool for diagnosing cancer by detecting antibodies in gastric cancer patient samples. As shown in the Declaration of Yuichi Obata, 8/44 gastric cancer patient samples had antibodies that bind Sterol Carrier Protein X. None of the 55 control individual samples tested contained antibodies to Sterol Carrier Protein X. The data demonstrates that using the method outlined in the specification detects antibodies to Sterol Carrier Protein X in gastric cancer patient samples and hence is a diagnostic tool for gastric cancer. The Applicant asserts that, in view of the foregoing amendments and arguments, the specification provides sufficient guidance for one of ordinary skill in the art to practice the claimed diagnostic methods.

Accordingly, withdrawal of the rejection of claims 13-15, 31 and 32 under 35 U.S.C. §112, first paragraph, is respectfully requested.

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CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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